

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CLIFFORD DAMIANO,

Plaintiff,

v.

1:08-CV-1247  
(FJS/GHL)

MICHAEL J. ASTRUE, in his official capacity as  
COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,

Defendant.

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**APPEARANCES:**

LEGAL AID SOCIETY OF  
NORTHEASTERN NEW YORK  
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Saratoga Springs, NY 12866

SOCIAL SECURITY ADMINISTRATION  
Office of Regional General Counsel - Region II  
Counsel for Defendant  
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**OF COUNSEL:**

MARY MARTHA WASHINGTON, ESQ.  
  
VERNON NORWOOD, ESQ.  
Special Assistant U.S. Attorney

**FREDERICK J. SCULLIN, S.D.J.:**

**DECISION AND ORDER**

Presently before the Court is Magistrate Judge George H. Lowe's June 7, 2010 Report and Recommendation in which he recommends that the decision of the Commissioner of Social Security be remanded to the agency for further consideration, and the Court having reviewed the Report and Recommendation and the entire file in this matter and no objections to said Report

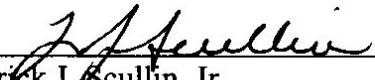
and Recommendation having been filed, the Court hereby

**ORDERS** that the Report-Recommendation filed by Magistrate Judge George H. Lowe on June 7, 2010 is, for the reasons stated therein, accepted in its entirety; and the Court further

**ORDERS** that the decision of the Commissioner of Social Security is **VACATED** and the matter is **REMANDED** to the agency for further consideration.

**IT IS SO ORDERED.**

Dated: June 25, 2010  
Syracuse, New York

  
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Frederick J. Scullin, Jr.  
Senior United States District Court Judge